

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

UNITED STATES OF AMERICA and)
STATE OF INDIANA ex rel. JUDITH)
ROBINSON,)

Relator,)

v.)

INDIANA UNIVERSITY HEALTH, INC.,)
HEALTHNET, INC., and MDWISE, INC.,)

Defendants.)

Case No. 1:13-cv-2009-TWP-MJD

FIFTH JOINT REPORT ON THE STATUS OF DISCOVERY

Pursuant to this Court's order dated April 18, 2016, Relator Dr. Judith Robinson ("Relator") and Defendants Indiana University Health, Inc. ("IU Health") and HealthNet, Inc. ("HealthNet") hereby file this Joint Report on the Status of Discovery. The same attorneys identified in the Parties' January 20, 2016 status report remain responsible for the completion of discovery as to their respective clients.

I. Discovery Completed in Preceding 34 Days

IU Health will make an additional production responsive to Relator's requests on May 17, 2016. IU Health will also serve its privilege log on May 17, 2016.

Since the Parties' last report, HealthNet made an additional production responsive to Relator's requests on April 30, 2016. HealthNet will make its final production within the next forty-eight hours. HealthNet will also produce a privilege log within the next forty-eight hours.

This will complete HealthNet's rolling production in response to Relator's Requests for the Production of Documents.

Relator produced documents she received from the United States related to HealthNet's applications to the U.S. Department of Health and Human Services, Health Resources and Services Administration on May 6, 2016. IU Health indicated an issue with the disc format on May 11, 2016, and Relator mailed replacement discs on May 12, 2016.

The parties participated in a meet and confer on May 10, 2016 to discuss several discovery matters, including IU Health's April 29, 2016 letter request for documents identified by Relator during her deposition on April 4 and 5, that had not yet been produced. Relator is making a production on May 16, 2016, containing the non-privileged documents identified in IU Health's letter, claims data provided by United States and additional documents responsive to Defendant's previous requests for production.

II. Discovery Scheduled or Pending

IU Health issued its Second Set of Requests for the Production of Documents to Relator on April 29, 2016.

Relator previously noticed the depositions of Dr. Donald Trainor and CNM Mary Blackburn for May 23 and May 25, 2016, respectively. Relator has postponed those depositions until more of the document production is complete, and anticipates rescheduling the depositions for late June or early July.

Relator noticed a 30(b)(6) deposition of the State of Indiana, Family and Social Services Administration, Office of Medicaid Policy and Procedure. The deposition is scheduled for June 3, 2016.

III. Discovery Disputes

The Parties have been unable to resolve a dispute regarding the deposition of Relator's investigator, James Ross, via meet-and-confer. IU Health and Relator will submit letters to the Court regarding this dispute on or before May 17, 2016.

IV. Discovery Planned to be Completed in the Next 42 Days

The Parties anticipate that the depositions of a representative of the State of Indiana pursuant to Rule 30(b)(6) will be completed within the next 42 days. Additional depositions will likely be noticed and completed during this timeframe as well.

IU Health is continuing its review, and to the extent IU Health identifies any additional documents responsive to Relator's First Request for Productions, or receives any additional document requests, IU Health will supplement its production, as appropriate. IU Health plans to issue a Rule 30(b)(6) deposition notice to Community Health (Relator's current employer) and will work to complete that deposition within the next 42 days.

By the time the Parties convene for the May 18th status conference, HealthNet will have completed its review and production of documents in response to Relator's Requests for Production of Documents. HealthNet will supplement its production, as appropriate, to the extent HealthNet receives or identifies any additional documents responsive to Relator's Requests.

Relator will respond to IU Health's Second Request for Production on or before Monday, May 30, 2016. To the extent Relator identifies any additional documents responsive to Defendants' requests, Relator will supplement her production as appropriate.

V. Description of All Known Discovery Remaining to be Completed

The Parties' remaining discovery expectations are consistent with the previous status reports filed on December 9, 2015; January 20, 2016; March 2, 2016; and April 13, 2016.

VI. Other Discovery Issues

On May 11, 2016, the parties filed a Joint Motion to Extend Time to Disclosure Expert Witnesses. As indicated therein, the Parties anticipate seeking modification of additional discovery deadlines due to Judge Pratt's order dismissing certain of Relator's claims with leave to amend and the filing of Relator's Second Amended Complaint on May 5, 2016. The Parties will be prepared to propose dates for any additional extensions of time at the May 18, 2016 in-person status conference.

Respectfully submitted this 16th day of May, 2016,

s/ Jillian L. Estes (by permission)

Jillian L. Estes (admitted *pro hac vice*)
Christopher C. Casper (admitted *pro hac vice*)
JAMES HOYER
4830 W Kennedy Blvd
One Urban Center, Suite 550
Tampa, FL 33609
813-397-2300
Fax: 813-397-2310
ccasper@jameshoyer.com
jestes@jameshoyer.com

Christopher Jayson (admitted *pro hac vice*)
JAYSON FARTHING SKAFIDAS &
WRIGHT, P.A.
Lincoln Center
5401 West Kennedy Blvd., Suite 600
Tampa, FL 33609
813-321-1111
Fax: 813-321-1112
cjayson@jfsowlaw.com

Robert E. Saint (# 1566-49)
EMSWILLER WILLIAMS NOLAND
& CLARKE
8500 Keystone Crossing, Suite 500
Indianapolis, IN 46240
317-257-8787

s/ Emmett E. Robinson

Stephen G. Sozio (admitted *pro hac vice*)
Emmett E. Robinson (admitted *pro hac vice*)
JONES DAY
901 Lakeside Avenue
Cleveland, Ohio 44114-1190
216-586-3939
Fax: 216-579-0212
sgsozio@jonesday.com
erobinson@jonesday.com

Heather M. O'Shea (admitted *pro hac vice*)
JONES DAY
77 West Wacker Chicago, IL 60601-1692
312-269-4009
Fax: 312-782-8585
hoshea@jonesday.com

Alan L. McLaughlin (#10182-49)
LITTLER MENDELSON, P.C.
111 Monument Circle, Suite 702
Indianapolis, IN 46204
317-287-3600
Fax: 317-636-0712
amclaughlin@littler.com

*Attorneys for Defendant Indiana University
Health, Inc. f/k/a Clarian Health Partners, Inc.*

Fax: 317-257-9042
rsaint@ewnc-law.com

W. William Hodes (admitted *pro hac vice*)
THE WILLIAM HODES LAW FIRM
811 Chapman Loop
Village of Hemingway
Lady Lake, FL 32162
317-577-1410
Fax: 317-577-1430
wwh@hodeslaw.com

Attorneys for Relator Judith Robinson

s/ Marc T. Quigley (by permission)

Marc T. Quigley (#21054-53)
Thomas J. Costakis (#4314-49)
Deborah J. Daniels (#4378-49)
Lauren C. Sorrell (#30895-49)
KRIEG DeVAULT LLP
One Indiana Square, Suite 2800
Indianapolis, Indiana 46204-2079
317-636-4341
Fax: 317-636-1507
mquigley@kdlegal.com
tcostakis@kdlegal.com
ddaniels@kdlegal.com
lsorrell@kdlegal.com

Attorneys for Defendant HealthNet, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically on this 16th day of May, 2016, and is available to all parties of record through the Court's electronic filing system.

s/ Emmett E. Robinson
Emmett E. Robinson